

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'SMC' NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

ITA Nos.4707 & 4706/Del/2024  
Assessment Year: 2017-18

Vibhiti Bhateja, Flat No.557, Sector-2, Pocket-6, Near Sunita Beauty Parlour, Rohini, New Delhi	<b>Vs.</b>	Income Tax Officer, Ward-2, Rewari
<b>PAN :AIDPA5336N</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Ms. Mansi Jain, CA
Department by	Sh. Sanjay Kumar, Sr. DR

Date of hearing	06.01.2025
Date of pronouncement	06.01.2025

**ORDER**

These assessee's twin appeals ITA No. 4707 & 4706/Del/2024, both for assessment year 2017-18, arise against the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's order dated 19.08.2024 and 31.07.2024 in case nos. ITBA/NFAC/S/250/2024-25/1067731274(1) and ITBA/NFAC/S/250/2024-25/1067177917(1); respectively involving proceedings under sections 147 r.w.s. 144 and 271AAC1 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. Heard both the parties at length. Case file perused.
3. Coming straightway to the assessee's quantum appeal ITA No. 4707/Del/2024, it emerges during the course of hearing that the learned Assessing Officer has treated her investment amount of Rs. 20.71 lakhs as unexplained under section 69 read with section 115BBE of the Act, in the assessment was framed on 23<sup>rd</sup> March, 2022 under section 147 r.w.s. 144, as upheld in lower appellate discussion since CIT(A)/NFAC has refused to condone the corresponding delay in institution of appeal on 06.12.2022. The Revenue could hardly dispute that the assessee had filed her condonation petition explaining the said delay due to various communication gaps, which could not be altogether ruled out. I thus reverse the CIT(A)'s findings refusing to condone the impugned delay.
4. Next comes the sole substantive issue between the parties on merits wherein the learned lower authorities have made section 69 addition as against the assessee's explanation that the said amount in fact had come from her father-in-law, Sh. Surinder Singh Bhateja, who in turn, had received it from the department of Posts as ex-gratia amount on account of death of his wife Smt. Neelam

Bhateja. There could hardly be any dispute between the parties that the assessee's relationship with her in-laws indeed satisfies the statutory category of relatives under section 56(2) of the Act. The sole question which now remains is the assessee's explanation on merits wherein the tribunal's attention is invited to the lower appellate discussion at page 9 indicating her father-in-law to have withdrawn substantial amounts in cash, and therefore, the only inference which can be drawn from these facts is that the same was in fact gifted to the assessee, although, she has not been able to file all the other required details.

5. Faced with this situation, it is deemed appropriate that larger interest of justice would be met in case the impugned addition of Rs.20.71 lakhs is restricted to a lumpsum amount of Rs.2.71 lakhs only with a rider that the same shall not treated as a precedent. The assessee gets relief of Rs.18 lakhs in other words.

6. So far as assessee's assessment under section 115BBE is concerned, I quote S.M.I.L.E. Microfinance Ltd. Vs. ACIT, W.P. (MD) No.2078 of 2020 & 1742 of 2020, dated 19.11.2024 (Madras) that the impugned statutory provision would come into effect on the transaction done on or after 01.04.2017 only. The assessee is

accordingly directed not to be assessed under section 115BBE of the Act. This assessee's quantum appeal ITA No. 4707/Del/2024 is partly allowed.

7. So far as assessee's penalty appeal ITA No.4706/Del/2024 is concerned, the tribunal places heavy reliance on the foregoing quantum discussion that she has submitted indeed reasonable explanation and therefore, the penalty herein deserves to be deleted. Ordered accordingly. This assessee's latter appeal ITA No.4706/Del/2024 succeeds.

8. To sum up, the assessee's quantum appeal ITA No.4707/Del/2024 is partly allowed and penalty appeal ITA No. 4706/Del/2024 is allowed in above terms. A copy of this common order be placed in the respective files.

***Order pronounced in the open court on 6<sup>th</sup> January, 2025***

***Sd/-***  
**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

Dated: 6<sup>th</sup> January, 2025.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi